

08-31-01

1638

Box 809

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Benfey, *et al.*

Application No.: 09/578,827

Group Art Unit: 1638

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SEP 04 2001

Filed: May 24, 2000

Examiner: Collins, C

TECH CENTER 1600/29

For: SHORT-ROOT GENE, PROMOTER, AND  
USES THEREOF

Attorney Docket No.: 5914-078

#108915101

**TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING UNDER 37 C.F.R. § 1.821**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

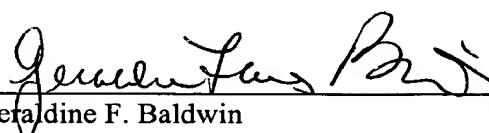
In response to the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures mailed August 14, 2001, a copy of which is enclosed, and in accordance with 37 C.F.R. § 1.821, Applicants submit herewith, in connection with the above-identified patent application, a Substitute Sequence Listing in paper and computer readable form pursuant to 37 C.F.R. §§ 1.821(c) and (e).

Applicants respectfully note that a Sequence Listing in paper and computer readable form was previously submitted in connection with the above-identified application on June 22, 2001. A copy of the signed Sequence Listing Transmittal, mailed June 22, 2001, and of the Reply Postcard with a stamped receipt date of June 22, 2001, which indicates receipt of the previously submitted Sequence Listing in paper and computer readable form, are also enclosed. The Substitute Sequence Listing submitted herewith is identical to the previously submitted Sequence Listing.

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are the same. I hereby state that the submission herein under 37 C.F.R. § 1.821(g) does not include new matter.

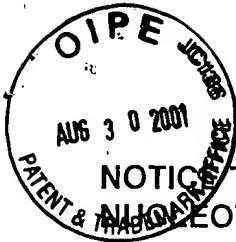
Respectfully submitted,

Date: August 30, 2001

  
Geraldine F. Baldwin 31,232  
(Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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Date Mailed: June 22, 2001  
Serial No.: 09/578,827  
Filed: May 24, 2000  
Inventor(s): Benfey et al.  
For: SHORT-ROOT GENE, PROMOTER, AND USES THEREOF

The stamp of the Patent Office hereon shall be taken as an acknowledgment of the date stamped of the following:

(1) Response to Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures And Preliminary Amendment Under 37 C.F.R. § 1.115 with Exhibits A-D;  
(2) Sequence Listing in Paper and Computer Readable Form pursuant to 37 C.F.R. §1.821;  
(3) Transmittal of Sequence Listing;  
(4) Return copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;  
(5) Information Disclosure Statement;  
(6) List of References Cited by Applicants listing references AA-EP, with a copy of references AA-EP (Vols. 1-4).

( ) File No. 5914-078

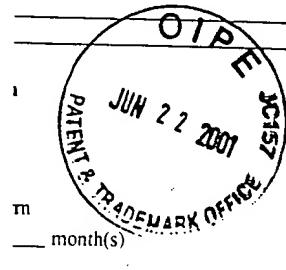
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Other: \_\_\_\_\_

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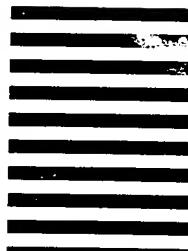


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